

### **REMARKS/ARGUMENTS**

The Examiner stated, in paragraph 2 of the Office Action, (page 2), that the listing of references in the specification is not a proper Information Disclosure Statement. The references listed in the specification have been included in an Information Disclosure Statement which is filed herewith.

In paragraph 3 of the Office Action, (pages 2-3), the Examiner indicated that the “drawings are objected to because in figure 8, the number labels ‘24’ and ‘25’ each are indicating the wrong cavity -- based on a reading of the written description at page 6, line 33 through page 7, line 9,” (Office Action, page 2, paragraph 3, lines 1-3). Reconsideration of the objection is respectfully requested.

The objection has been overcome by amendment of the specification to conform to Fig. 8. The withdrawal of the objection to the drawings is respectfully requested.

In paragraph 4 of the Office Action, the Examiner objects to the drawings, indicating that “the ‘two areas are arranged between the inner profile and the outer profile, parallel to said profiles and inwardly from the inner profile’ (claims 6 and 8) must be shown or the feature(s) canceled from the claim(s),” (Office Action, page 3, paragraph 4, lines 2-5). Reconsideration of the objection is respectfully requested.

Claims 6 and 8 have been amended so that they conform to Fig. 8 of the drawings. Withdrawal of the objection to the drawings is respectfully requested.

The Examiner has objected to the abstract of the disclosure because of the use of legal phraseology in lines 6, 10, and 11, (Office Action, page 4, paragraph 5). Reconsideration of the objection is respectfully requested.

The abstract has been amended to overcome the Examiner’s objection.

The Examiner has indicated that the “use of the trademark ‘TEFLON’ has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology,” (Office Action, page 4, paragraph 7, lines 1-2).

The specification has been appropriately amended to comply with the requirement of the Examiner.

Various objections were made to the claims in paragraphs 9 and 10 of the Office Action, (page 5). Reconsideration of the objections is respectfully requested.

Claims 2-9 have been amended to overcome the objections.

Claims 1-9 were rejected under 35 U.S.C. §112, second paragraph. Reconsideration of the rejection is respectfully requested.

Claims 1-9 have been amended to overcome the rejection.

Claims 1-5 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gayet, EP 1,110,701 in view of Sfikas et al., U.S. Patent No. 6,254,707. Reconsideration of the rejection is respectfully requested.

The Examiner contends, in support of the rejection, that, “[i]t would have been obvious to one having ordinary skill in the art, at the time applicant’s invention was made, to have modified the Gayet system/device for sealing containers by having modified the mold walls (9) to have comprised an inner wall and outer wall, with the outer wall of a slightly larger height, finished in an angled edge profile, as suggested by Sfikas et al., in order to seal and cut the material layers to leave a finished edge running parallel and adjacent to the seal applied to the margin of the article,” (Office Action, page 7, paragraph 14, line 15, to page 8, line 4).

Applicant respectfully disagrees. On the contrary, Gayet expressly teaches a device for cutting the thermoplastic layer (5) covering a promotional article, the device being separate from the welding mold (3), stating that, “[f]or cutting the thermoadhesive layer, a template is provided which reproduces the outline of the mould and is fitted with an incandescent element or filament (11),” (paragraph [0021]; see also Fig. 3; paragraphs [0017], line 1, to [0018], line 2). Since Gayet expressly teaches a cutting device separate from a welding mold, it is respectfully submitted that it would not be obvious to modify and, indeed, to contradict the express teaching of Gayet with the teaching of Sfikas et al., according to the Examiner, of “a die (10) featuring two concentric walls within a wall (14) for welding the sheet layers (41, 42, 43) and an outer wall (12) of a slightly larger height finished in an angled edge profile for cutting the sheet layers (41, 42, 43) -- as seen in figures 9-11,” (Office Action, page 7, paragraph 14, lines 6-9).

Since each of claims 2-5 is directly dependent upon independent claim 1, each of claims 2-5 is allowable over Gayet in view of Sfikas et al. for the same reasons recited above with respect to the allowability of independent claim 1 over Gayet in view of Sfikas et al.

Claims 7 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over the prior art as applied to claims 3 and 5 above, and further in view of Kuroda, U.S. Patent No. 3,629,035. Reconsideration of the rejection is respectfully requested.

Since each of claims 7 and 9 are directly dependent upon one of claims 3 and 5, each of claims 7 and 9 is allowable over the references as applied to claims 3 and 5 above for the same reasons recited above with respect to the allowability of claims 3 and 5 over the references mentioned above.

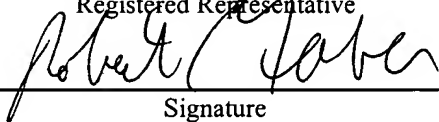
With regard to Kuroda, although that reference may disclose a mold with both a cutting edge and a bonding edge, (column 1, line 63 to column 2, line 22), Kuroda cannot be combined with Gayet to produce the features of independent claim 1, and, thus, of dependent claims 7 and 9, for the same reasons recited above for the nonobviousness of the combination of Sfikas et al. with Gayet.

In view of the foregoing amendments and remarks, allowance of claims 1-9 is respectfully requested.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 25, 2006:

Robert C. Faber

Name of applicant, assignee or  
Registered Representative

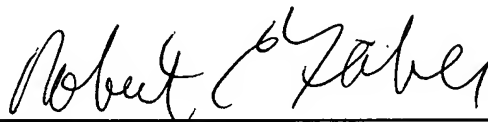


Signature

September 25, 2006

Date of Signature

Respectfully submitted,



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